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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,483

08/27/2003

Jo De Buyst

979-030

6154

7590

09/20/2004

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EXAMINER

GUSHI, ROSS N

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/650,483	BUYST ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ross N. Gushi	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: <u>t</u>                                 |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, in light of applicant's arguments (amendment dated 9/2/04, pages 6-7), it is unclear and indefinite what applicant means by the limitation in claim 1 of the "extension means are integrally formed with said connector." Applicant distinguishes EP 1,206,024A1 ("De Buyst") on the grounds that the De Buyst extension means are not integrally formed. "Integrally formed" does not require unitary construction. In re Larson, 144, USPQ 347 (CCPA 1965). Applicant is not apparently using integrally formed to mean unitary construction (see claim 6). Integrally formed means parts fixed together as a single unit under in re Larson, 144, USPQ 347 (CCPA 1965). However, applicant is not apparently using integrally formed in this sense either since the De Buyst parts are fixed together as a single unit by the joint body 50. Therefore, it is unclear and indefinite what applicant means by "integrally formed" as used in claim 1. Per in re Larson, the term is analyzed here as meaning that the parts are fixed together as a single unit.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,206,024A1 ("De Buyst").

Regarding claims 1, 2, and 4, De Buyst discloses a connector for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws (43, 44) and, at one end at least, extension means (see attachment previously supplied) integrally formed (fixed together as a single unit) with said connector and adapted to cover (i.e. capable of covering) a portion of said insulative jacket of said cable. Regarding the particular dimensions and whether the extension is greater than 10 mm, claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention. Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of De Buyst device as desired to suit cables of various sizes, etc.

Regarding claim 6, De Buyst discloses extension means 30 which comprises a flexible semiconductor rubber skirt fixed the periphery of said connector.

Per claim 7, De Buyst discloses a connection between two medium-voltage electrical power cables each including at least one conductor surrounded by insulative jacket, and an insulative sheath adapted to cover intimately at least said connector.

Per claim 8, De Buyst discloses the space between said connector and said insulative jacket of the corresponding cable filled with layer of insulative mastic 51.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ekert.

Regarding claims 1, Ekert discloses a connector for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws and, at one end at least, extension means (see figure 2) integrally formed with said connector and adapted to cover a portion of said insulative jacket of said cable. Regarding the particular dimensions and whether the extension is greater than 10 mm, claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention. Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of Ekert device as desired to suit cables of various sizes, etc.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Buyst as in claim 1 in view of Auclair. De Buyst may not state that the edges of the connector are rounded. Auclair discloses the well known proposition that sharp edges may be rounded to prevent injury or damage to the cable (Auclair col. 2, line 64). At the

time of the invention, it would have been obvious to round any sharp edges of the De Buyst device. The suggestion or motivation for doing so would have been to prevent injury to one handling the device or damage to the cable, as taught in Auclair and as is well known in the art.

### ***Response to Arguments***

Applicant argues that the De Buyst extension means are not integrally formed. As noted in the 35 USC 112 rejection above, it is not clear what applicant means by "integrally formed" in claim 1 since the De Buyst extension means are integrally formed under the interpretation given in in re Larson, 144, USPQ 347 (CCPA 1965).

### ***Allowable Subject Matter***

Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims for the reasons previously indicated.

### ***Conclusion***

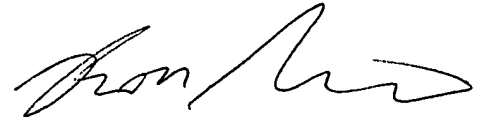
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.



**ROSS GUSHI**  
**PRIMARY EXAMINER**